

1273 OHIO STREET



BUILDING AND STANDARDS BOARD AGENDA ITEM # 5 FOR
WEDNESDAY, JULY 29, 2009

DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
July 21, 2009

TO: The Honorable Chairman and Board Members

THROUGH: Victor Q. Torres - Director for Development Services

FROM: Bill Stern, C.B.O., Chief Building Inspector

SUBJECT: 1273 Ohio, El Paso, Texas 79930

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated December 2, 2008. The single family dwelling was built in 1957. At some point, the dwelling was converted into apartments without the required permits. There are bare exposed electrical wires creating a safety hazard for the families occupying these units. The exterior walls show signs of cracks and the floor system is uneven. There is an unpermitted addition in the rear attached to the converted accessory structure which is open and accessible to vagrants. The wrought iron window guards are bolted in place hindering the egress in case of an emergency.
- 2) A certified condemnation letter was mailed to Gloria Nava.
- 3) Certified notices of the public hearing scheduled for July 29, 2009, were mailed to the owners and all interested parties on July 15, 2009.
- 4) As of July 9, 2009, no taxes are owed.

The owner has been notified of the violations at this property, to date there has been no response or corrective action taken, and therefore the Department recommends that it be found:

- 1) That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) That the main structure be secured within thirty (30) days and maintained secure until rehabilitated; and
- 5) That the accessory structure and unpermitted addition be demolished within thirty (30) days; and
- 6) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
- 7) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the

property into compliance, and place a lien on the property for the work which will be done by the City.

Dedicated to Outstanding Customer Service for a Better Community

S E R V I C E S O L U T I O N S S U C C E S S



DEVELOPMENT SERVICES DEPARTMENT

March 24, 2009

Gloria Nava
1273 Ohio St
El Paso, Texas 79930-1138

Re: 1273 Ohio St
Blk: 33 Highland Park
Lot: S 38 Ft of 17 to 20 & S 46 Ft of 21 & 22
Zoned: R5
BSC09-00354
Mail Receipt #
7008 1300 0001 0407 3578

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

18.50.106.1 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Chapter 2.38 of this code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

18.50.106.1.1 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

18.50.106.1.2 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

18.50.106.1.3 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrnes

District 3
Emma Acosta

District 4
Melina Castro

District 5
Rachel Quintana

District 6
Eddie Holguin Jr

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by

1273 Ohio St.

this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **1273 Ohio St., El Paso, Texas, 79930**, is in violation of the requirements found in the following sections of the 2003 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- j. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The City Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Chapter 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.9.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Building Permits and Inspections Department because of Electrical Code violations.

In addition to the above referenced violations, an addition was made to the property with electrical and plumbing work without the required permits.

1273 Ohio St.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

Sincerely,

Nellie Avalos
Building Inspector

MA/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **29th** day of **July, 2009** in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the Building and Standards Commission of El Paso (the “**Commission**”) will hold a public hearing on the question of whether the buildings located on the property at **1273 Ohio Street**, in El Paso, Texas, which property is more particularly described as:

Legal Description: The South 38 feet of Lots 17 to 20, both inclusive, and the South 46 feet of Lots 21 and 22, Block 33, HIGHLAND PARK ADDITION to the City of El Paso, Texas

are unsafe and dangerous, because of the following violations:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements.[Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises shall be maintained in a clean, safe and sanitary condition free of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- j. The structures need to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of trash and debris within

(30) days from receipt of this letter. [Sec. 108.2]

According to the real property records of the County of El Paso, Guadalupe Nevarez Sosa and Rigoberto Sosa, 11124 Shiner Ave., El Paso, Texas, 79936 and Mutual Federal Savings & Loan Association of El Paso, Lienholder (the "**Owners**") are listed as the owners of the real property described herein.

According to the real property records of El Paso County, you own or have an interest in the real property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own or have an interest in the property and stating the name and last known address of the person who acquired the property or interest from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Standards Enforcement Division of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice.

The Owners of said property is hereby ordered to appear before the Building and Standards Commission and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before the Commission at said date, hour, and place to show cause why said building should not be declared a nuisance and ordered to be abated. The Owners, lien holders, mortgagees, or any other person having an interest in the property is hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Title 18, as mandated by Section 18.50 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the Owners, lien holders, mortgagees, or any other person having an interest in the property must present to the Commission any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to the Commission at this hearing.

The time periods, which govern the completion of work ordered by the commission, are outlined in Chapter 2, Subsection 2.38.080 of the Municipal Code of the City of El Paso, and pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of the Commission the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said building in an amount not to exceed \$1,000.00 a day for each violation, or \$10.00 a day if the Owners show that the property is the Owner's lawful homestead; and
- III) appoint a receiver as permitted by state law; and
- IV) any other remedies permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full;

The City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Cynthia S. Osborn
Assistant City Attorney

Bill Stern, C.B.O.
Chief Building Official
Building Permits and Inspection Department

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at 1273 Ohio Street was PUBLISHED in the official City newspaper on the ____ day of _____, 2009.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 1273 Ohio Street was HAND-DELIVERED to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 1273 Ohio Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Guadalupe Nevarez Sosa
Rigoberto Sosa
11124 Shiner Ave.
El Paso, Texas 79935

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 1273 Ohio Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Mutual Federal Savings & Loan
Association of El Paso, Lienholder
315 Texas Avenue
El Paso, Texas 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 1273 Ohio Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 1273 Ohio Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 1273 Ohio Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court
500 E. San Antonio Avenue, Suite 703
El Paso, Texas 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 1273 Ohio Street was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, TX 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at
1273 Ohio Street, El Paso, Texas.

Date: _____

Time: _____

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: 7/21/09
DISTRICT: 8

REP.

ADDRESS: 1273 Ohio

ZONED: R5

LEGAL DESCRIPTION: The South 38 feet of Lots 17 to 20, both inclusive and the South 46 feet of Lots 21 and 22, Block 33, HIGHLAND PARK ADDITION to the City of El Paso, Texas.

OWNER: Gloria Nava

ADDRESS: 1273 Ohio
El Paso, TX 79930

BUILDING USE: Multifamily dwellings

TYPE OF CONSTRUCTION: V

FOOTINGS: Concrete

CONDITION: Unable to determine due to subterranean placement

FOUNDATION WALL: Masonry w/grout

CONDITION: Fair

FLOOR STRUCTURE: Main structure consists of hardwood flooring covered w/tile. The rear structure is concrete slab on grade w/tile.

CONDITION: Fair. The floor in the main structure is uneven.

EXTERIOR WALLS: Brick and plaster on wood frame

HEIGHT: 18' +/-

THICKNESS: 8" +/-

CONDITION: Fair. A structural engineer should be hired to evaluate structural elements of the building and submit a report on the corrections required to make the building safe.

INTERIOR WALLS & CEILINGS: Wood frame covered w/sheetrock and plaster.

CONDITION: Fair. Ceilings show signs of leaks stains that have apparently been repaired. A structural engineer should be hired to evaluate structural elements of the building and submit a report on the corrections required to make the building safe.

ROOF STRUCTURE: Hip roof covered w/composition shingles.

CONDITION: Fair. A structural engineer licensed in the state of Texas must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system in code compliance.

DOORS, WINDOWS, ETC.: Wood frame wooden doors, aluminum frame windows w/bolted wrought iron guards.

CONDITION: Fair. Some window panes are broken. Windows and doors will need to be replaced or repaired to make them operational and meet egress requirements.

MEANS OF EGRESS: N/A

CONDITION: N/A

PLUMBING: A licensed plumbing contractor must be hired to evaluate the entire plumbing system and submit a report to this department on the corrective action required to bring the system up to minimum code compliance.

ELECTRICAL: One electrical meter supplies all three units. There are several exposed wires throughout the units. A licensed electrical contractor must be hired to evaluate the entire electrical system and submit a report to this department on the corrective action required to bring the system up to minimum code compliance.

MECHANICAL: A licensed mechanical contractor must be hired to evaluate the entire mechanical system and submit a report to this department on the corrective action required to bring the system up to minimum code and compliance.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 8

WARNING POSTED: No

BARRICADED: No

POLICE AID

REQD.: No

REMARKS: This single family dwelling was built in 1957 and in the process converted into apartments without required permits. There is an unpermitted addition in the rear attached to the converted accessory structure that is open and accessible to vagrants. The main structure should be secured and the property cleaned of all weeds, trash and debris within thirty (30) days. The accessory structure and unpermitted addition should be demolished within thirty (30) days because there are several bare electrical wires and the walls are structurally unsound..

Nellie Avalos

Building Inspector

**CITY OF EL PASO
ENVIRONMENTAL SERVICES**



M E M O R A N D U M

DATE: April 9, 2009

MEMO TO: William Stern C.B.O., Residential Inspector Supervisor

FROM: Jesus H. Arenas, Code Compliance Inspector

SUBJECT: Condemnation Report #COD09-06861, BSC09-00354

RE: 1273 Ohio St, 33 Highland Park, Lot S 38 ft. of 17 to 20 & 46 ft.
of 21 & 22

An inspection of the property was conducted on 4-09-2009 and the conditions checked were in reference to of Title 9 - Health and Safety, El Paso Municipal Code.

SECTION 9.04 - SOLID WASTE MANAGEMENT - STORAGE AREA
N/A

SECTION 9.04.340 – ACCUMULATIONS

Overgrown weeds in the backyard and vine cuttings in the alley were noted at the time of the inspection.

SECTION 9.16 - NUISANCE

There are three junked vehicles in the backyard along with tires, construction debris, mattresses and doors.

SECTION 9.16.010 – DESIGNATED

This is an occupied home with apartment studios in the back. At the time of this inspection there is an unfinished addition being added to the apartment studios.

SECTION 9.28 -RAT CONTROL

Rodent evidence was not noted on the premise.